

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IOU CENTRAL, INC.
d/b/a IOU FINANCIAL, INC

Plaintiff,

VS.

CASE NO. 1:20-cv-03910-SDG

SHAEN HARRINGTON, INC.
A/K/A THE HARRINGTON GROUP,
JESSICA HEATHER HARRINGTON

Defendants.

PLAINTIFF’S MOTION FOR CLERK’S ENTRIES OF DEFAULT
AS TO BOTH DEFENDANTS

Per Fed. R. Civ. P. 55, Plaintiff IOU requests Entries of Default as to Defendants on the Amended Complaint [Doc 8] incorporated as follows.

1. On 9/21/20, IOU filed suit [Doc 1], naming the above Defendants, served with process on 10/22/20 [Doc 9-10] and Defendant Jessica Harrington appeared by counsel [Doc 7].

2. On 11/10/20, IOU filed the Amended Complaint against both of the Defendants [Doc 8] superseding the Complaint, adding no new claims per Fed. R. Civ.P. (a)(2).

3. The Amended Complaint [AC] was served on **11/10/20** upon Defendant Jessica Harrington by her counsel via ECF per Fed. R. Civ. P. 5 (b)(1) and (2)(E) [Doc 18, p. 18].

4. The Amended Complaint was served on **11/10/20** upon Defendant Shaen Harrington, Inc. by its officer/agent via mail [Doc 14].

5. Per Fed. R. Civ. P. 15 (a)(3), a response to the Amended Complaint was due within 14 days after service of this pleading: namely by **11/24/20**.

5. The Defendants did not answer the Amended Complaint [AC].

6. The Defendants are in default of the Amended Complaint against whom default may be entered by the Clerk [or the Court] even if they answer the AC at this late date. **Liberty v. Fleet**, LEXIS 91716 *27-29 (N.D. Ala. 2013) [citing various cases, entered default on amended complaint, as “even *assuming* a defendant appeared and answered, the court *still* has authority to order entry of default when there is sufficient evidence of defendant's dilatory tactics or failure to comply with orders and rules of procedure”]

7. Per Fed. R. Civ. P. 55 (a) Plaintiff is entitled to entry of default by the Clerk on its Amended Complaint against the Defendants.

WHEREFORE, Plaintiff requests entries of default by the Clerk on its Complaint against the Defendants and all just relief.

CERTIFICATE OF COMPLIANCE

Per L.R. 5.1(C), I certify this document was prepared per L.R. 5.1(B) in Times Roman 14-point

CERTIFICATE OF SERVICE

I certify a precise copy of this document was filed ECF on the below date sending notice to counsel of record.

Respectfully submitted this 10th day of December 2020.

By: /s/Paul G. Wersant
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